Supreme Court, U. S.
FILED
JAN 28 1975
MICHAEL RODAK, JR., CLERK

No. 74-121

In the

Supreme Court of the United States

OCTOBER TERM, 1974

CRAIG PHELPS, RECEIVER IN BANKRUPTCY IN THE MATTER OF CHICAGOLAND IDEEL CLEANERS, INC, BANKRUPT,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Petition for a Writ of Certiorari
Filed August 14, 1974
Certiorari Granted December 16, 1974

APPENDIX

KEVIN J. GILLOGLY
Suite 865
One North LaSalle Street
Chicago, Illinois 60602
Attorney for Petitioner

Of Counsel:
DANIEL C. AHERN
DENNIS E. QUAID

The Scheffer Press, Inc.—(312) 263-6850

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APPENDIX B

RELEVANT DOCKET ENTRIES

92 Cred. Sched. ADJUDICATED 9-28-71

CHICAGOLAND IDEEL CLEANERS, INC. 71 B 5206

9-14-71

5333 W. 25th Street

Cicero | Cook | Ill.

NO ASSET CASES ONLY
CLAIMS AS SCHEDULED

ATTORNEY FOR PETITIONING CREDITORS: Merovitz, Powell & Pizer
134 N. La Salle Fr. 2-9066

ATTORNEY FOR PETITIONING CREDITORS: Teller, Levit & Silvertrust Attention: Julius I.
1 La Salle Street St. 2-3970 Silvertrust)
60602

RECEIVER: Craig Phelps
53 W. Jackson

Kevin

ATTORNEY FOR RECEIVER: Kevin J. Gillogly
1 N. LaSalle 332-0767

TRUSTEE: Craig Phelps
53 W. Jackson

ATTORNEY FOR TRUSTEE: Kevin J. Gillogly
1 N. La'Salle 332-0767

BEST COPY AVAILABLE

DATE	PROCEEDINGS
9-14-71	Filed involuntary petition for adjudication by Leader Supply Co., Rich Supply House, Great Lakes Solvents, Toll Brothers Laundry, Lincoln Bag Co., Morgan Locksmiths and R. & D. Decorators ma
9-24-71	Ordered that Craig Phelps is appointed Receiver and; Further Ordered that Receiver give bond to U.S. in the sum of $10,000; Further Ordered that Receiver is authorized to take possession of all of the assets of estate and bankrupt or other persons are ordered to deliver forthwith all property now owned or in in possession of alleged bankrupt; Further Ordered that Receiver is directed to take personal and immediate charge of the assets and filed within 10 days an itemized inventory. (dft) McCormick, R. ma
9-28-71	Ordered that Chicagoland Ideel Cleaners is adjudged a bankrupt (dft) McCormick, R. ma
10-19-71	Filed notice; application of Receiver Enter Leave filed—20 days to answer or plead—11-23-71 at 2 p.m. Ref. McCormick ma
11- 5-71	Filed notice; application
11- 9-71	Filed answer of U.S. to Receiver's application ma
11- 9-71	Filed memorandum of U.S. in support of its answer ma
11-23-71	Hearing on application of Receiver for Nathan Yorke to turn over all sums in his possession acquired as an assignee. Under advisement.

11-22-71	Filed brief in support of the Receiver's right to assets held by Nathan Yorke ma
12- 9-71	Ordered that Nathan Yorke turn over to Receiver all the sums in his possession which he acquired while assignee (dft) McCormich, r. ma
12-16-71	Filed petition for review of order entered on 12-9-71 by James R. Thompson, United States Attorney
1- 5-72	Filed Referee's Certificate on Petition for Review
1- 6-72	Filed Notice of Filing of Certificate on Review. (Notices mailing 1-6-72)
1-11-72	Order: After careful review, the findings of fact, conclusions of law as submitted to this Court by the referee, the order is approved in every respect (dft) Lynch, J.
1-18-72	Filed memorandum of United States in support of petition for review ma
1-21-72	Trustee is given ten days to answer Government's motion. Government is given five days to reply. Order cause set for decision on February 11, 1972 at 2pm (dft) Lynch, J. (Notices mailed) ma
1-26-72	Filed notice of motion ma
1-31-72	Filed answer of Trustee to memorandum of United States in support of a Petition for Review ma
2-11-72	Filed further memorandum of United States in support of petition for review ma

2-11-72 The Government is given leave to file a reply brief within 10 days (dft) Lynch, J. ma

3- 2-72 Order: The motion to vacate the order of this Court affirming the decision of the Referee in bankruptcy is denied. This court has reviewed the Referee's findings and conclusions and the briefs of the parties and affirms the Referee's decision in every respect (dft) Lynch, J. (notices mailed)

3-13-72 Filed Memorandum in Support of United States Motion to reconsider order of Mar 2, 1972. mh (to Judge Lynch)

3-13-72 Filed United States Motion to reconsider order of 3/2/72 (to Judge Lynch)

4-28-72 Filed notice of appeal for United States of America

4-28-72 Mailed copy of notice of appeal to: Julian I. Sivertrust, Teller, Levit & Silvertrust, One North LaSalle, Chicago Illinois 60602; Nathan Yorke, 208 S. LaSalle, Chicago, Illinois 60604; Nachman, Munitz & Sweig, One First National Plaza; Kevin J. Gillogly, One North LaSalle; Craig Phelps, 53 W. Jackson Blvd. ma

7-23-74 Filed certified copy of United States Court of Appeals entered May 9, 1974 order Ordered and adjudged by this court that the order approving the turnover order the said District Court in this cause appealed from be, and the same is hereby, Reversed, in accordance with the opinion of this court filed this day. It is further ordered that costs be taxed in favor of the United States of America. Bill of costs attached. jvs

7-23-74 Filed certified copy of USCA Opinion. jvs

7-23-74 Filed certified copy of order of United States Court of Appeals entered on May 24, 1974: Ordered that the petition for rehearing in the above-entitled appeal be, and the same is hereby, denied. jvs

7-23-74 Complete record on appeal received. jvs

8-12-74 Filed Receiver's request to transmit complete record to U.S.S.C. ps

8-29-74 Filed Receiver's notice with Motion.

9- 5-74 Enter order dated 9-3-74: Enter order Receiver's motion to compel Clerk to transmit the original record to the Supreme Court. Austin, J.

IN THE UNITED STATES DISTRICT COURT

ASSIGNMENT

Whereas, Chicagoland Ideel Cleaners, Inc., an Illinois corporation, having its principal place of business at 733 North Pulaski Road, Chicago, Illinois and 5333 W. 25th Street, Cicero, Illinois, is indebted to diverse persons which it is presently unable to pay in full, and has decided to discontinue its business and is desirous of transferring all its property to a trustee for the benefit of all its creditors without any preference or priority, except such priority as is established and permitted by law;

Now, Therefore, Chicagoland Ideel Cleaners, Inc., an Illinois corporation (hereinafter referred to as Assignor), in consideration of its existing indebtedness to its creditors and the undertaking herein of Nathan Yorke, of Chicago, Illinois (hereinafter referred to as Assignee), does hereby assign, transfer and set over to said Nathan Yorke, not

individually but as Trustee and Assignee for the benefit of creditors of Assignor, all its property of every kind and description, real, personal and mixed, and wherever located, including but not limited to cash in banks and on hand, accounts receivable and good will (as well as the right to receive all incoming mail); to have and to hold the same unto the said Nathan Yorke, in trust, to receive, sell and dispose of the said property in the best manner and for the highest and best price or prices reasonably obtainable; to collect the claims of Assignor against third parties; to dispose of all claims of Assignor against third parties in the best and most reasonable manner as provided by law, and otherwise, so far as possible and in the best manner possible, to convert to cash all property of Assignor; and to properly carry out this trust, Assignee is empowered in his name or in the name of Assignor to collect, sue for or othrewise liquidate or dispose of any and all claims, demands or accounts due and payable to Assignor from whomsoever, and to dispose of all disputed claims asserted against Assignor in such manner as shall be in the best interest of the creditors of Assignor; and the Assignee shall disburse the proceeds realized from the sale or other disposition of Assignor's said property in the following manner;

1. Payment of the expenses of administration of the trust created hereby, including reasonable compensation to the Assignee and his attorney, the attorney for the Assignor, and to such other parties as shall be entitled thereto.
2. Distribute and pay the remainder of said proceeds to Assignor's creditors for all debts and liabilities which Assignor may owe including, but not limited to, those persons whose names are listed on Schedule A attached hereto and made a part hereof; provided, that if there shall not be sufficient funds with which to pay all of Assignor's debts, then said debts (except those entitled by law to priority) shall be paid pro rata.
3. If there should be any residue of said proceeds remaining after making the payments and distribution aforesaid, Assignee shall pay same to Assignor or its successors and assigns.
4. In the event of the death, inability or refusal to act, or, resignation of Nathan Yorke as Trustee-Assignee, then in such event Bernard Chaitman is hereby appointed as Successor Trustee-Assignee, with all the duties, rights and powers herein imposed upon and granted to Nathan Yorke as Trustee-Assignee.

Executed and delivered at Chicago, Illinois this 28 day of June, 1971.

Chicagoland Ideel Cleaners, Inc.
By /s/ Sam Slotky
President

Attest:
/s/ Solomon Slotky
Its Secretary

State of Illinois)
) SS
County of Cook)

I, Sydney R. Marovitz, a Notary Public in and for the County and State aforesaid, do hereby certify that Sam Slotky, President, and Solomon Slotky, Secretary of Chicagoland Ideel Cleaners, Inc. appeared before me this day in person and acknowledged to me that they signed the foregoing instrument as their free and voluntary act and as the free and voluntary act of said corporation, pursuant to directions and resolutions passed by the Stockholders and Board of Directors of said corporation, for the uses and purposes therein set forth.

Given under by hand and Notarial Seal this 28 day of June A.D. 1971.

/s/ Sydney R. Marovitz
Notary Public

IN THE UNITED STATES DISTRICT COURT

ACTION BY SHAREHOLDERS AND BOARD OF DIRECTORS BY UNANIMOUS WRITTEN CONSENT

We, the undersigned, being together the shareholders of all of the issued and outstanding shares of Chicagoland Ideel Cleaners, Inc. an Illinois corporation, and comprising all of the directors of said corporation, hereby consent in writing, without a meeting, pursuant to the authority of Sections 147 and 147.1 of the Illinois Business Corporation Act to the following action:

Resolved: That the corporation make an Assignment of all its assets to an Assignee for the benefit of creditors, and that the President and Secretary of the corporation execute all necessary papers and documents pertaining to an Assignment for the benefit of creditors to Nathan Yorke, as Assignee, and said Assignee shall be authorized to do any and all acts necessary in order to fully carry out the intent and purposes of such Assignment.

Further Resolved: That the Officers of this corporation are hereby empowered and directed to execute any and all other documents necessary to carry out the purposes to be contained in said Assignment for the benefit of creditors.

Dated: June 28, 1971

/s/ Sam Slotky
/s/ Solomon Slotky
/s/ Meyer Slotky
Shareholders and Directors.

IN THE UNITED STATES DISTRICT COURT

ACCEPTANCE

I, Nathan Yorke, the Trustee and Assignee hereinabove named, do hereby accept the trust hereinabove set forth, not individually but as Trustee and Assignee, subject to the conditions set forth above.

/s/ Nathan Yorke
Nathan Yorke

At Chicago, Illinois, June 28, 1971

IN THE UNITED STATES DISTRICT COURT

* * (Caption—In Bankruptcy No. 71 B 5396) * *

APPLICATION

To: The Honorable Charles B. McCormick,
Referee in Bankruptcy:

Now comes Craig Phelps, Receiver in Bankruptcy in the above entitled estate and represents to this Court as follows:

1. That he is the duly appointed and acting Receiver herein having qualified by filing his bond as approved by this Court.

2. That Nathan Yorke was an assignee for the benefit of creditors prior to the filing of the involuntary proceedings and adjudication in the subject proceedings; that he liquidated certain assets of the bankrupt while serving as such assignee and is presently in possession of these sums.

3. That demand has been made upon Nathan Yorke to surrender and turn over to the Receiver herein these assets; that Nathan Yorke has respectfully declined to surrender and turn over these assets because he was

served with a notice of levy by the Internal Revenue Service on August 25, 1971.

4. That the Internal Revenue Service acquired no lien rights or prior position to the Receiver herein by the service of a notice of levy on the assignee and that these funds being held by Nathan Yorke should be ordered and directed into the subject estate.

Wherefore, Craig Phelps, Receiver herein, prays for an order upon Nathan Yorke to surrender and turn over any and all assets of the bankrupt herein and for such other and further relief as the Court shall deem meet and just.

/s/ Craig Phelps
Craig Phelps, Receiver

IN THE UNITED STATES DISTRICT COURT

* * (Caption—In Bankruptcy No. 71 B 5396) * *

ANSWER OF UNITED STATES TO RECEIVER'S APPLICATION

The United States by William J. Bauer, United States Attorney for the Northern District of Illinois, in answer to the receiver's application for an order upon Nathan Yorke to surrender and turn over certain assets states:

1. This court of bankruptcy lacks jurisdiction over the subject matter of the application because the United States is entitled to the possession of the moneys now held by Nathan Yorke, assignee of the bankrupt. This court of bankruptcy does not have actual and cannot have constructive possession of the funds held by Mr. Yorke. Such possession is the basis of this court's jurisdiction on August 25, 1971. The Internal Revenue Service recorded its notice of Federal tax lien under Internal Revenue laws against Chicagoland Ideel Cleaners, Inc., 7333 N. Pulaski Road, Chicago, Illinois 60624, taxpayer,

with the Recorder of Deeds, Cook County, Illinois, Document No. 21598670 (Exhibit A attached) and served its notice of levy on Nathan Yorke, assignee, 208 S. LaSalle Street, Chicago, Illinois 60604, demanding payment from Mr. Yorke of any funds that he held belonging to the taxpayer, Chicagoland Ideel Cleaners, Inc. (Exhibit B attached), prior to the beginning of these bankruptcy proceedings. The United States as of August 25, 1971, has been entitled to possession of the funds now held by Mr. Yorke.

2. This court of bankruptcy lacks jurisdiction over the United States, in that the United States has not and does not consent to the adjudication of the controversy over the possession of the funds held by Nathan Yorke, assignee, by this court. The application cites no express grant of statutory authority giving the receiver the right to maintain this application against the United States.

3. There has been an insufficiency of service of process to bring the United States before this court of bankruptcy.

4. The application fails to state a claim against the United States upon which relief can be granted.

Wherefore, the United States prays that the receiver's application be dismissed.

/s/ William J. Bauer
William J. Bauer
United States Attorney

TJ :es

EXHIBIT A

State Of Illinois, }
County of Cook. } ss.

I, SIDNEY R. OLSEN, Recorder of Deeds, and Keeper of the Records of said Recorder of Deeds, in and for said County, in the State aforesaid, do hereby certify that the foregoing is a photographic copy of a document filed for record in the office of the Recorder of Deeds on Twenty-fifth day of August A.D. 1971 as Document No. 21598670.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal at Chicago, this Second day of November A.D. 1971.

/s/ Sidney R. Olsen
Recorder of Deeds.

C:W:F10:BCS

- 14 -

Form 668 (Rev. 1-70) — DEPARTMENT OF THE TREASURY INTERNAL REVENUE SERVICE

NOTICE OF FEDERAL TAX LIEN UNDER INTERNAL REVENUE LAWS

For Optional Use By Recording Office

DISTRICT: CHICAGO

SERIAL NUMBER:

Pursuant to the provisions of Sections 6321, 6322, and 6323 of the Internal Revenue Code, notice is hereby given that there have been assessed under the Internal Revenue laws of the United States against the following named taxpayer, taxes (including interest and penalties) which after demand for payment thereof remain unpaid, and that by virtue of the above-mentioned statutes the amount of said taxes, together with penalties, interest, and costs that may accrue in addition thereto, is a lien in favor of the United States upon all property and rights to property belonging to said taxpayer.

NAME OF TAXPAYER
Chicagoland Idcol Cleaners, Inc.

RESIDENCE
733 N. Pulaski Rd.,
Chicago, Illinois 60624

KIND OF TAX (a)	TAX PERIOD ENDED (b)	ASSESSMENT DATE (c)	IDENTIFYING NUMBER (d)	UNPAID BALANCE OF ASSESSMENT (e)
941	12/31/70	05/28/71	36-2419291	$ 49,738.70
941	09/30/70	03/12/71	36-2419291	41,709.02
940	12/31/70	05/21/71	36-2419291	2,799.10
941	03/31/71	06/04/71	36-2419291	46,584.77
			TOTAL	$140,831.59

PLACE OF FILING
Recorder of Deeds
Cook County
Chicago, Illinois

WITNESS my hand at Chicago, Illinois, on this,
the 25th day of August, 1971

SIGNATURE: Howard J. Buchwa
TITLE: Revenue Officer

(NOTE: Certificate of officer authorized by law to take acknowledgments is not essential to the validity of Notice of Federal Tax Lien G.C.M. 26419, C.B. 1950-51, 125.)

PART 2—To be receipted and returned to the Internal Revenue Service

BEST COPY AVAILABLE

Form 668-A (Rev. Feb. 1967)

DATE

03/24/71

U S TREASURY DEPARTMENT — INTERNAL REVENUE SERVICE

Attn: S/O B.C.Samuels
Group 10

NOTICE OF LEVY

West Field Branch, 5817 W. Madison St., Chicago, Ill. 60644

TO Nathan Yorke, Assignee
200 South LaSalle Street
Chicago, Illinois 60604

INTERNAL REVENUE SERVICE

ORIGINATING DISTRICT
CHICAGO

You are hereby notified that there is now due, owing and unpaid to the United States of America from the taxpayer whose name appears below the sum of → $ 145,820.94

TAX FORM NO.	PERIOD ENDED	DATE OF ASSESSMENT	IDENTIFYING NO.	UNPAID BALANCE OF ASSESSMENT	STATUTORY ADDITIONS	TOTAL
941	09/30/70	03/12/71	36-2419291	$ 41,709.02	$ 1,162.78	$
				LPP	1,174.98	44,046.78
941	12/31/70	05/28/71	36-2419291	49,738.70	760.85	
				LPP	697.64	51,197.19
940	12/31/70	05/21/71	36-2419291	2,799.10	46.16	
				LPP	41.23	2,886.51
941	03/31/71	06/07/71	36-2419291	46,584.77	663.61	
				LPP	437.08	47,690.46
				Lien Fee	6.00	
				TOTAL AMOUNT DUE		145,820.94

Computed thru 8/2/71

You are further notified that demand has been made for the amount set forth herein upon the taxpayer who has neglected or refused to pay, and that such amount is still due, owing, and unpaid from this taxpayer. Accordingly, you are further notified that all property, rights to property, moneys, credits, and bank deposits now in your possession and belonging to this taxpayer (or with respect to which you are obligated) and all sums of money or other obligations owing from you to this taxpayer, or on which there is a lien provided under Chapter 64, Internal Revenue Code of 1954, are hereby levied upon and seized for satisfaction of the aforesaid tax, together with all additions provided by law, and demand is hereby made upon you for the amount necessary to satisfy the liability set forth herein, or for such lesser sum as you may be indebted to him, to be applied as a payment on his tax liability. Checks or money orders should be made payable to "Internal Revenue Service".

SIGNATURE	TITLE	ADDRESS (CITY AND STATE)
[signature]	Revenue Officer	5817 W. Madison St. Chicago, Illinois 60644

(Name and Address of Taxpayer)

Chicagoland Ideel Cleaners, Inc.,
733 N. Pulaski Road
Chicago, Illinois 60624

CERTIFICATE OF SERVICE

I hereby certify that this levy was served by delivering a copy of this notice of levy to the person named below.

NAME [signature]

TITLE Assignee

DATE AND TIME 8/25/71 - 3:40 P.M.

SIGNATURE OF REVENUE OFFICER [signature]

PART 2 — TO BE RETAINED BY ADDRESSEE

Form 668-A (Rev. 2-67)

BEST COPY AVAILABLE

UNITED STATES DISTRICT COURT

* * (Caption—In Bankruptcy No. 71 B 5396) * *

ORDER

At Chicago, Illinois, in said Division and District aforesaid, before the Honorable Charles B. McCormick, Referee in Bankruptcy, this 9th day of December, A.D., 1971:

This matter, Chicagoland Ideel Cleaners, Inc., as such assignee, and the answer thereto of the United States of America and the court having heard argument of counsel in open court and having considered the brief and memorandum submitted by the parties, finds:

That the court has jurisdiction of the parties and subject matter herein.

That Nathan Yorke is holding certain sums of money acquired by him as assignee for the benefit of the creditors of Chicagoland Ideel Cleaners, Inc., said assignment taking place prior to the service of notice of levy by the Internal Revenue Service upon said assignee.

That the notice of levy was served on the assignee on August 25, 1971 and on September 14, 1971 the involuntary petition in bankruptcy was filed herein and the receiver appointed and that adjudication has been entered.

That the notice of levy claimed all property rights to property monies, credits and bank deposits now in possession of and belonging to Chicagoland Ideel Cleaners, Inc.

That the notice of levy of the Internal Revenue Service herein could attach a lien only upon such interest as the taxpayer had in the property levied upon.

That the assignment for the benefit of creditors passed inalienable title to the assets of Chicagoland Ideel Cleaners, Inc., to the assignee for the benefit of its creditors.

That the notice of levy of the Internal Revenue Service is a nullity as it pertains to the bankrupt estate.

Wherefore It Is Hereby Ordered, Adjudged And Decreed that Nathan Yorke surrender and turn over to Craig Phelps, Receiver herein, any and all sums in his possession which were acquired by and through his performance as an assignee for the benefit of the creditors of the bankrupt herein.

Enter:

/s/ Charles B. McCormick
Referee in Bankruptcy

UNITED STATES DISTRICT COURT

• • (Caption—In Bankruptcy No. 71 B 5396) • •

PETITION FOR REVIEW

To the honorable judges of the United States District Court for the Northern District of Illinois:

Now comes James R. Thompson, United States Attorney for the Northern District of Illinois, and respectfully represents:

1. Petitioner, United States of America, is aggrieved by the order herein entered by the Honorable Charles B. McCormick, Referee in Bankruptcy, on December 9, 1971, a copy of which is attached as exhibit "A".

2. The referee erred in that the findings of fact are not supported by the evidence and the conclusions of law are contrary to law.

Wherefore, the United States of America prays that the order of December 9, 1971, be reviewed by a judge of this court in accordance with provisions of the Bankruptcy Act, that the order be reversed, that the application of Craig Phelps, receiver, for an order upon Nathan Yorke to surrender and turn over any funds be denied and that your petitioner have such other and further relief as is just.

Respectfully submitted,

/s/ James R. Thompson
James R. Thompson
United States Attorney

December 16, 1971

UNITED STATES DISTRICT COURT

• • (Caption—In Bankruptcy No. 71 B 5396) • •

CERTIFICATE ON PETITION FOR REVIEW

(Filed January 5, 1972)

To The Honorable
Judge Of The United States District Court,
For The Northern District Of Illinois,
Eastern Division, In Bankruptcy Sitting:

Honorable Sir:

I, Charles B. McCormick, Referee in Bankruptcy, herein, on petition to review an order dated December 9, 1971 do hereby certify and transmit herewith the following:

TRANSMITTED HEREWITH

1. Receiver's application for an order on the assignee for the benefit of creditors for a turnover of liquidated assets.

2. Government's answer to the application of the receiver.
3. Receiver's brief in support of application for a turnover.
4. Government's memorandum in support of its answer to receiver's application.
5. Referee's order of December 9, 1971.
6. Government's petition for review of the Referee's order of December 9, 1971.

STATEMENT OF FACTS

There is little, if any, dispute as to the facts involved herein. The parties agree that:

(a) An assignment for the benefit of creditors was made by Chicagoland Ideel Cleaners, Inc., on June 28, 1971.

(b) That the assignee thereafter proceeded to liquidate the assignor's assets.

(c) An August 25, 1971, after the aforesaid liquidation, the Internal Revenue Department served a notice of levy on the assignee claiming all assets in his possession *belonging to Chicagoland Ideel Cleaners, Inc.*

(d) On September 14, 1971 an involuntary petition in bankruptcy was filed, a receiver was appointed and adjudication has been entered.

ISSUES FOR DETERMINATION

1. Whether the Internal Revenue Service's notice of levy served after the assignor's (now the bankrupt) assignment for the benefit of creditors gave a superior property right to that agency as opposed to the receiver in bankruptcy.

2. Whether this court has summary jurisdiction over the assets in the possession of the assignee for the benefit of creditors.

FINDINGS

The referee's findings are contained in the order under review and were made after considering the reasoning and citations set forth in the brief and the memorandum submitted herewith. The questions are questions of law and the court found the authorities submitted by the receiver to be the more relevant and conclusive.

Very little oral argument was had in open court and it is the opinion of the referee that a transcript thereof, unless desired by either or both of the parties, is unnecessary for the attention of the reviewing court.

HEARING ON THIS CERTIFICATE

This certificate to be set down for hearing on your Motion calendar.

Respectfully submitted,
/s/ Charles B. McCormick
Referee in Bankruptcy

UNITED STATES DISTRICT COURT,

Name of Presiding Judge, Honorable William J. Lynch

Cause No. 71 B 5396 Date Jan 11, 1972

Title of Cause
In the Matter of Chicagoland Ideel Cleaners, Inc

Brief Statement of Motion
Petition for Review

ORDER: After careful review, the findings of fact, conclusions of law as submitted to this Court by the referee, the order is approved in every respect.

[Initialed] W.J.L.

Notices mailed 1-14-72

UNITED STATES DISTRICT COURT,

Name of Presiding Judge, Honorable William J. Lynch

Cause No. 71 B 5396 Date 3/2/72

Title of Cause

In The Matter of Chicagoland Ideel Cleaners, Inc.

ORDER: The motion to vacate the order of this Court affirming the decision of the Referee in bankruptcy is denied. This Court has reviewed the Referee's findings and conclusions and the briefs of the parties and affirms the Referee's decision in every respect.

Approved:

/s/ W. J. Lynch

IN THE UNITED STATES DISTRICT COURT

• • (Caption—In Bankruptcy No. 71 B 5396) • •

NOTICE OF APPEAL

Notice is hereby given that the United States of America, petitioner for review in the District Court, hereby appeals to the United States Court of Appeals for the Seventh Circuit from the final judgment entered in these proceedings on January 11, 1972, affirming the order entered on December 9, 1971 by the Honorable Charles B. McCormick, Referee in Bankruptcy. The time for filing the notice of appeal commenced to run on March 2, 1972, the date on which the District Court denied the timely motion of the United States of America made pursuant to

rule 59 to vacate the District Court's order affirming the order of the Referee in Bankruptcy.

/s/ James R. Thompson
James R. Thompson
United States Attorney

April 28, 1972

Service of this notice is to be made on:

Julian I. Silvertrust
Teller, Levit & Silvertrust
One North LaSalle Street
Chicago, Illinois 60602

Kevin J. Gillogly
One North LaSalle Street
Chicago, Illinois 60602

Nathan Yorke
208 South LaSalle Street
Chicago, Illinois 60604

Craig Phelps
53 West Jackson Blvd.
Chicago, Illinois 60604

Nachman, Munitz & Sweig
One First National Plaza
Chicago, Illinois 60670

IN THE

UNITED STATES COURT OF APPEALS

FOR THE SEVENTH CIRCUIT

Chicago, Illinois 60604

May 24, 1974

Before

Hon. JOHN S. HASTINGS, SR., *Circuit Judge*

Hon. WALTER J. CUMMINGS, *Circuit Judge*

Hon. JOHN PAUL STEVENS, *Circuit Judge*

In the Matter of:

CHICAGOLAND IDEEL CLEANERS, INC., BANKRUPT,
Appellee,

No. 72-1620 vs.

UNITED STATES OF AMERICA,
Petitioner-Appellant.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

(71 B 5396)

On consideration of the petition for rehearing filed in the above-entitled cause,

IT IS HEREBY ORDERED that the petition for rehearing in the above-entitled appeal be, and the same is hereby, DENIED.